

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

LARRY J. WEBSTER,

Petitioner,

vs.

S.W. ORNOSKI,

Warden of the California State Prison  
at San Quentin,

Respondent.

No. CIV S-93-0306 LKK DAD DP

**DEATH PENALTY CASE**

**REVISED BRIEFING SCHEDULE  
ORDER**

Respondent has filed a motion requesting a modification of the briefing schedule set by the court on October 28, 2009, with respect to petitioner's appellate process claim and for leave to file a response to petitioner's Brief in Support of Select Habeas Claims filed November 30, 2009. Counsel for petitioner objects to the latter request on the grounds that it was respondent who insisted on filing an answer with respect to those select habeas claims rather than to proceed first with petitioner's final briefing of those claims.

Petitioner's counsel is correct with respect to the substance of their opposition since the court set the schedule in question at respondent's request. Moreover, petitioner's brief which respondent now wishes to reply to was only twenty-two pages in length. Nonetheless,

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1 respondent's motion will be granted with limitations. The briefing schedule is modified to  
2 provide as follows:

3 1. Respondent shall file a post-evidentiary hearing brief on petitioner's claim that  
4 he was denied meaningful appellate review on or before February 1, 2010. Petitioner may file a  
5 reply with respect to this claim, if any, on or before February 21, 2010. No further briefing on  
6 this claim shall be submitted absent further order of the court.

7 2. Respondent will be permitted to file a response brief to petitioner's brief in  
8 support of select habeas claims on or before February 15, 2010. That brief shall not exceed ten  
9 pages in length. Petitioner may file a reply brief, if any, on or before March 1, 2010. Such a  
10 reply brief shall not exceed five pages in length. No further briefing on this issue shall be  
11 submitted absent further order of the court.

12 IT IS SO ORDERED

13 DATED: January 11, 2010.

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DALE A. DROZD  
UNITED STATES MAGISTRATE JUDGE

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